

1 Yvette D. Roland (SBN 120311)
DUANE MORRIS LLP
2 865 S. Figueroa St., Suite 3100
Los Angeles, CA 90017-5450
3 Telephone: (213) 689-7400
Facsimile: (213) 689-7401
4 E-mail: ydroland@duanemorris.com

5 Gregory P. Gulia (admitted *pro hac vice*)
Vanessa C. Hew (admitted *pro hac vice*)
6 DUANE MORRIS LLP
1540 Broadway
7 New York, NY 10036-4086
Telephone: (212) 692-1000
8 Facsimile: (212) 692-1020
E-mail: gpgulia@duanemorris.com
9 E-mail: vchew@duanemorris.com

10 Attorneys for Plaintiff
Living Assistance Services, Inc.
11 d/b/a Visiting Angels

12
13 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

14 LIVING ASSISTANCE SERVICES,
15 INC. d/b/a VISITING ANGELS

16 Plaintiff,

17 v.

18 VISITING ANGELS HOME HEALTH
19 SERVICES, INC., et al.

20 Defendants.

Case No.: 2:12-cv-09002-DSF-JC

DECLARATION OF VANESSA C.
HEW IN SUPPORT OF THE
STIPULATION TO MODIFY THE
COURT'S SCHEDULING AND
CASE MANAGEMENT ORDER

21 I, Vanessa C. Hew, declare as follows:

22 1. I am an attorney at Duane Morris LLP, attorneys for plaintiff Living
23 Assistance Services, Inc. d/b/a Visiting Angels ("Plaintiff") in the above-captioned
24 action.

25 2. I submit this declaration pursuant to Judge Fischer's individual practices
26 in support of the parties' Stipulation to Modify the Court's Scheduling and Case
27 Management Order.
28

1 3. Plaintiff filed the Complaint in this matter on October 18, 2012 for (1)
2 Federal Trademark Infringement; (2) Federal Unfair Competition and False
3 Designation of Origin; (3) State Statutory Unfair Competition; (4) State Statutory
4 Dilution; and (5) Common Law Unfair Competition.

5 4. Plaintiff has attempted to conduct discovery in this matter. On July 19,
6 2013, Plaintiff hand served its first set of discovery requests on Defendants' counsel,
7 including Plaintiff's First Set of Requests for Production of Documents and Things,
8 Plaintiff's First Set of Interrogatories and Plaintiff's First Set of Requests for
9 Admission.

10 5. Defendants' responses to Plaintiff's first set of discovery requests were
11 due on August 19, 2013. However, on August 29, 2013, Kathleen Wilber,
12 Defendants' counsel's legal assistant, advised that Defendant, Naira Tshorokhyan,
13 was ill and unable to timely respond to Plaintiff's first set of discovery requests. To
14 date, Defendants have not produced any documents or other responses in response to
15 Plaintiff's discovery requests.


16 6. On October 4, 2013 and October 7, 2013, Plaintiff served a Rule 30(b)(6)
17 Notice of Deposition on Defendant Visiting Angels Home Health Services, Inc. and a
18 Rule 30(b)(1) Notice of Deposition on Defendant Naira Tshorokhyan.

19 7. Furthermore, the parties were scheduled to participate in a mediation on
20 August 19, 2013. On August 13, 2013, Defendants' counsel cancelled the scheduled
21 mediation stating that Defendant, Naira Tshorokhyan, had been unexpectedly
22 hospitalized, had recently undergone surgery and consequently could not participate in
23 the scheduled mediation because she was still under medical care.

24 8. To date, Defendants have not served any discovery requests or
25 depositions notices in connection with this action.

26 I declare under penalty of perjury under 28 U.S.C. § 1746 that the foregoing is
27 true and correct.
28

1 Executed this 11th day of October, 2013 at New York, New York.

2
3 By: 
4 Vanessa C. Hew (admitted *pro hac vice*)
5 DUANE MORRIS LLP
6 1540 Broadway
7 New York, New York 10036-4086
8 Telephone: (212) 692-1000
9 Facsimile: (212) 692-1020
10 E-mail: vchew@duanemorris.com

11 Attorney for Plaintiff
12 Living Assistance Services, Inc. d/b/a Visiting
13 Angels

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DM2\4518554.1